



USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/28/2020

JAMES E. JOHNSON
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

LANA KOROLEVA
Assistant Corporation Counsel
Phone: (212) 356-4377
Email: lkorolev@law.nyc.gov
(not for service)

December 28, 2020

VIA ECF

Honorable Mary Kay Vyskocil
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: T.L., individually and on behalf of K.I. v. N.Y.C. Dep't of Educ.
20-cv-06948 (MKV)

Dear Judge Vyskocil:

I am an Assistant Corporation Counsel in the Office of James E. Johnson, Corporation Counsel of the City of New York, attorney for defendant New York City Department of Education in this action wherein Plaintiff solely seeks attorneys' fees incurred in the course of an underlying administrative proceeding under the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400, *et seq.* and this action.¹

I write jointly with Plaintiff's counsel to respectfully request an adjournment of the conference scheduled for January 5, 2021, *sine die*, as well as the deadline for submission of the parties' proposed case management plan, and to propose that the parties submit a status update letter no later than January 22, 2021 informing the Court whether the case has been fully resolved. If the case is not fully resolved by then, the parties will respectfully request a settlement conference with Magistrate Judge Freeman or a briefing schedule for Plaintiff's motion for attorneys' fees. This is the first request for an adjournment of the initial conference. The need for the extension is to provide the parties with additional time to work toward settlement, and the parties are hopeful that this case will fully resolve without the need to burden the Court further. To that end, Plaintiff's counsel provided me with updated timesheets for the

¹ Although the Complaint also contains a claim for implementation of the relief awarded Plaintiff at the underlying administrative proceeding, the parties agree that this claim has been fully resolved.

requested fees, and I have submitted a request to the Comptroller's Office for settlement authority, which I anticipate obtaining shortly.

Accordingly, the parties respectfully request that the conference scheduled for January 5, 2021 be adjourned *sine die*, and that a status letter be due no later than January 22, 2021.

Thank you for Your Honor's consideration of this request.

Respectfully submitted,

s/ Lana Koroleva

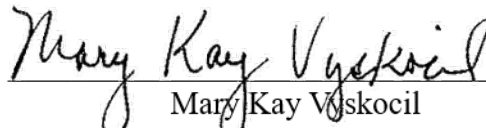
Lana Koroleva
Assistant Corporation Counsel

s/ Kevin Mendillo

Kevin Mendillo
Counsel for Plaintiff

The parties' request to adjourn the Initial Pretrial Conference scheduled for January 5, 2021, *sine die* is GRANTED. On or before January 22, 2021, the parties shall file a joint letter either requesting an Order of Reference to Magistrate Judge Freeman for a settlement conference or proposing a briefing schedule for Plaintiff's motion for attorneys' fees. SO ORDERED.

Date: 12/28/2020
New York, New York


Mary Kay Vyskocil
United States District Judge